



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

GOOD TIME AWARDS FOR SENTENCED PATIENTS

Effective Date: May 2, 2005

Policy #: FP-02

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- I. PURPOSE:** To specify that persons sentenced to Montana State Hospital will not earn good time awards after January 31, 1997 and to designate procedures for granting awards of good time earned under the hospital's previous policy on good time.
- II. POLICY:** Effective January 31, 1997, Montana State Hospital will no longer award good time allowances for persons sentenced under 46-14-312, MCA. Persons sentenced prior to January 31, 1997 will retain any good time awarded under the Hospital's previous policy titled, "Good Time Allowance for Persons Sentenced to Montana State Hospital (H.O.P.P. #13-03G.020493). The previous policy allowed sentenced patients to earn ten (10) days per month good time for the portion of the sentence spent on the Forensic Treatment Program and thirteen (13) days per month for the portion spent on other treatment units. This award of good time will be granted through January 31, 1997. Discharge dates will be calculated for all persons sentenced prior to this date taking into consideration the amount of good time allowance earned under the previous policy.
- III. DEFINITIONS:** None.
- IV. RESPONSIBILITIES:**
 - A. Team Leader Forensic Unit is responsible for:
 - 1. Ensuring unit staff abide by this policy.
 - 2. Notifying the Hospital Administrator when the last patient sentenced prior to January 31, 1997 is discharged and rescinding this policy when the last patient sentenced prior to January 31, 1997 is discharged.
- V. PROCEDURE:**
 - A. Persons sentenced to Montana State Hospital under 46-14-312 MCA prior to January 31, 1997 will be eligible to receive good time allowance of up to ten (10) days per month for the portion of the sentence spent on the Forensic Treatment Program and thirteen (13) days per month for the portion spent on other treatment units. The good time allowance is calculated from the date of admission to January 31, 1997. Persons will have their sentence reduced by the number of good time days accrued. For example, a person admitted to the hospital under a sentence on February 1, 1994 is eligible for a good time allowance for the thirty-six months spent at MSH through January 31, 1997. If they remained on the

Forensic Treatment Program for this entire period, the allowance would be 360 days. This amount of time is to be subtracted from the end of the sentence.

- B. Any good time allowances for persons transferred to MSH from state correctional facilities will be administered by the Montana Department of Corrections. This policy does not apply to these individuals.
- C. Only under extreme circumstances will a patient's accrued good time be revoked. Examples of such circumstances include, but are not limited to: escape, serious deliberate assaults or attempted assaults; and deliberate acts of a criminal nature. In such cases, the hospital will issue a report on the incident to the Administration of the Addictive and Mental Disorders Division regarding the incident. The Administrator will then make a determination of the amount of accrued good time to revoke. Revocation of accrued good time requires written notification to the patient containing the following information:
 - 1. reason for revocation;
 - 2. and notice of right to appeal.
- D. The discharge date of the person discharging from Montana State Hospital under a sentence who has accrued good time may be adjusted by up to fifteen days before or after the designated discharge date to accommodate and ensure that appropriate planned aftercare services and housing are in place.

VI. REFERENCES: None.

VII. COLLABORATED WITH: Quality Improvement Director

VIII. RESCISSIONS: #FP-02, *Good Time Award for Sentenced Patients* dated May 20, 2002; H.O.P.P. # FP-03-97-R *Good Time Award for Sentenced Patients*, dated January 1997.

IX. DISTRIBUTION: All hospital policy manuals, Forensic Unit Team Leader

X. REVIEW AND REISSUE DATE: April 2008

XI. FOLLOW-UP RESPONSIBILITY: Team Leader, Forensic Unit

XII. ATTACHMENTS: None.

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Ed Amberg Date
Hospital Administrator